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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LOUISIANA PACIFIC CORPORATION,

Plaintiff,

vs.

MONEY MARKET 1 INSTITUTIONAL
INVESTMENT DEALER, MERRILL LYNCH
& CO., INC., MERRILL LYNCH, PIERCE,
FENNER & SMITH INCORPORATED, AND
DEUTSCHE BANK SECURITIES INC.,

Defendants,

Case No. C 09 03529 JSW

**Stipulation and [Proposed] Order
Regarding Document Production**

JUDGE: Hon. Jeffrey White

Ctrm: 11
Judge: Hon. Jeffrey S. White

DEMAND FOR JURY TRIAL

1 It is hereby stipulated and agreed, by and among plaintiff Louisiana Pacific Corporation
 2 (“LP”), and defendant Deutsche Bank Securities Inc. (“DBSI”) that the Court should, for good
 3 cause shown, enter the following Order regarding the form of document production in this matter.
 4 Defendant Money Market 1 Institutional Investment Dealer (“MM1”) has filed for Chapter 7
 5 bankruptcy protection. Accordingly, LP and DBSI understand that all proceedings against MM1
 6 have been stayed. Together, LP and DBSI, as well as their officers, directors, employees and
 7 agents (including, without limitation, their legal counsel), are hereinafter referred to as the
 8 “Parties.” The agreements set forth herein are without prejudice to the rights of the parties to
 9 request additional information or documents, in any form, or to raise any objections as to the
 10 production of any documents or information that may be described herein. Nothing in this
 11 protocol shall be construed to imply that any such documents or information are relevant and
 12 responsive, nor shall it be interpreted as an agreement to produce such documents or information,
 13 should they exist.

14 **A. Search Terms and Custodians**

15 The Parties agree to meet and confer in good faith regarding (1) the search terms, if any,
 16 that each Party will use to identify potentially responsive information or documents for
 17 production; (2) the individual custodians that each Party will search for potentially responsive
 18 information or documents; and (3) each Party’s databases or shared drives that may contain
 19 responsive information or documents.
 20

21 **B. Electronically Stored Information (“ESI”).**

22 ESI shall be provided in the following format:

- 23 1. TIFFs. Single-page 300 dpi CCITT Group IV black and white TIFFs shall be
 24 provided. If required for legibility, color documents should be produced if
 25 possible. The Parties will accommodate reasonable requests for production of
 26 specific images in color. The parties reserve the right to discuss allocation of costs
 in the event that the production of color documents becomes unduly costly and/or
 burdensome.
- 27 2. Database Load Files/Cross-Reference Files. Documents shall be provided with
 28 (1) a Concordance delimited load file(s) and (2) an Opticon delimited cross-
 reference file(s) showing document breaks.

Example of Concordance Delimited File:

 PRODBEG  PRODEND  PRODBEGATT  PRODENDATT 

Example of Opticon Delimited File:

BATES000001,BATES001,D:\IMAGES\001\BATES000001.TIF,Y,,,3
 BATES000002,BATES001,D:\IMAGES\001\BATES000002.TIF,,,,,
 BATES000003,BATES001,D:\IMAGES\001\BATES000003.TIF,,,,,
 BATES000004,BATES001,D:\IMAGES\001\BATES000004.TIF,Y,,,2
 BATES000005,BATES001,D:\IMAGES\001\BATES000005.TIF,,,,,

3. Unique IDs. Each TIFF image shall have a unique file name which will be the Bates number of that page (e.g., BATES000001.TIF). The Bates number must appear on the face of the image (e.g., BATES000001).
4. Text Files. For each document, a document-level text file shall be provided. The text of ESI shall be extracted directly from the native file and each text file will be named for the beginning Bates number of its corresponding document (e.g., BATES000001.TXT). A party will not be required to produce an extracted text file for a redacted document, but for each such document for which the producing Party possesses OCR, a document-level text file shall be provided.
5. Unique Documents. A Party is only required to produce a single copy of a responsive document. A Party may deduplicate responsive ESI (based on MD5 or SHA-1 hash values). E-mail will be deduplicated by family, not on a document level. In addition, to the extent reasonably accessible, all custodians of deduplicated items will be listed in the "All Custodian" field. Where available, custodians will be identified using first and last names. Entity/departmental custodians will be identified with an identifier of the entity or department. A producing Party will reasonably attempt to use a uniform description of a particular custodian across productions. The Parties may deduplicate stand-alone electronic documents against e-mail attachments using the calculated MD5 or SHA-1 Hash Code of each document. For deduplication of this type, the attachment to the e-mail must be the document that is produced.

Multiple custodians in the "All Custodian" field will be separated by a semicolon.

6. Metadata Fields. The following metadata shall be provided within the Concordance delimited file described above for each document to the extent reasonably accessible:

BegBates
EndBates
Parent-Child Relationships (attachment information)
File Extension
Filename
Native Path (path to native file on production media)
Text Path (path to the text file on production media)
Custodian
All Custodian

Additionally, for e-mails, the following metadata shall be provided:

To
From
CC
BCC
Date Sent
Time Sent, by minute
Subject

Additionally, for email attachments and loose files, the following metadata shall be provided:

Create Date
Last Modified Date
Author

7. Additional Metadata. Should additional metadata (such as the original file path of documents) exist that if provided would significantly aid a receiving Party in understanding or using the documents, upon reasonable request, the producing Party shall not unreasonably withhold such metadata.
8. Native Form. Microsoft Excel and Audio and Video files (whether attached to emails or loose files) will be produced in native form, although redacted Microsoft Excel files need not be produced in native form in the first instance. The parties shall meet and confer in good faith regarding the format of production for any redacted Microsoft Excel files. The Parties further agree that Microsoft Powerpoint documents need not be produced in native form in the first instance, however, all embedded notes shall be produced. The Parties shall not unreasonably refuse a request for the production of any document in native form to the extent a document is provided in a form other than native. For documents produced in native format, the document will be named with the Bates number as the file name, and any Confidentiality designation will be indicated in the TIFF placeholder image.

Native Files will be produced with a placeholder slip sheet stating “File Produced in Native Format.” The path to the native file on the production media will be provided in the DAT file.

9. Database. Certain types of databases kept in the normal course of business contain information that allows for analysis and computation. Should there be relevant, responsive and non-privileged information in such databases, the parties will discuss appropriate procedures and methods of production including possible allocation of costs.

C. Hard-Copy Documents.

Hard-copy documents shall be provided in the following format:

1. TIFFs. Single page 300dpi CCITT Group IV black and white TIFFs shall be provided. The Parties will accommodate reasonable requests for production of specific images in color. If required for legibility, color documents should be produced if possible. The parties reserve the right to discuss allocation of costs in the event that the production of color documents becomes costly and/or unduly burdensome.
2. Database Load Files/Cross-Reference Files. Documents shall be provided with (1) a Concordance delimited load file(s) and (2) an Opticon delimited cross-reference file(s) showing document breaks.

Example of Concordance Delimited File:

þPRODBEGþþPRODENDþþPRODBEGATTþþPRODENDATTþ

Example of Opticon Delimited File:

BATES000001,BATES001,D:\IMAGES\001\BATES000001.TIF,Y,,,3
 BATES000002,BATES001,D:\IMAGES\001\BATES000002.TIF,,,,,
 BATES000003,BATES001,D:\IMAGES\001\BATES000003.TIF,,,,,
 BATES000004,BATES001,D:\IMAGES\001\BATES000004.TIF,Y,,,2
 BATES000005,BATES001,D:\IMAGES\001\BATES000005.TIF,,,,,

3. Unique IDs. Each image shall have a unique file name which will be the Bates number of that page (e.g., BATES000001.TIFF). The Bates number must appear on the face of the image (e.g., BATES000001) With the exception of paragraph F, the prefix of the Bates number must be consistent for every custodian throughout the production.
4. OCR. For each document for which the producing Party possesses OCR, a document-level text file with page breaks shall be provided. Each file will be named for the beginning Bates number of its corresponding document (e.g., BATES000001.TXT). With respect to documents containing redacted text, OCR files will be provided for the redacted version of the document.

1 5. Unitizing of Documents. When scanning paper documents, the Parties shall
2 undertake best efforts to ensure that distinct documents are not merged into a
3 single record, and single documents are not split into multiple records (*i.e.*, the
4 Parties shall attempt to logically unitize scanned hard copy documents).

5 6. The parties shall identify, to the extent possible, the custodian of each document.

6 D. **Production Media.**

7 Documents will be produced on CD-ROM or DVD discs or on external hard drives.

8 E. **Metadata Format.**

9 Electronic file metadata, to the extent reasonably available, shall be provided in the
10 following format:

- 11 1. Standard Concordance delimiters should be used for load files: field delimiter
12 (Code 20), text qualifier (Code 254), and newline (Code 174);
- 13 2. The first line shall contain electronic file metadata headers and below the first line
14 there shall be exactly one line for each document;
- 15 3. Multi-values shall be separated by a semicolon (;); and\
- 16 4. All files containing non-Western characters shall be provided in Unicode-
17 compliant form.

18 F. **Parties to Confer in Good Faith.**

19 The Parties agree to confer in good faith about disputes regarding the form of document
20 production, including resolution of issues not addressed by this stipulation.
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1 STIPULATED BY:

2
3
4 Dated: March 12, 2012

**KELLOGG, HUBER, HANSEN, TODD, EVANS &
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11
12
13 Dated: March 12, 2012

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ORDER

Good cause appearing therefore, IT IS HEREBY ORDERED that the Stipulation Regarding Document Production is entered in this case.

Dated: April 3, 2012


Honorable Jeffrey White
United States District Court Judge